

AMENDED IN ASSEMBLY AUGUST 25, 2005

AMENDED IN ASSEMBLY JUNE 9, 2005

AMENDED IN ASSEMBLY JUNE 2, 2005

AMENDED IN SENATE APRIL 19, 2005

AMENDED IN SENATE MARCH 29, 2005

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**SENATE BILL**

**No. 299**

**Introduced by Senator Chesbro**

(Principal coauthor: Assembly Member Emmerson)

February 16, 2005

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An act to amend Section 1635.5 of the Business and Professions Code, relating to dentistry, *and making an appropriation therefor*.

LEGISLATIVE COUNSEL'S DIGEST

SB 299, as amended, Chesbro. Dentistry.

Existing law, the Dental Practice Act, provides for the licensure and regulation by the Dental Board of California of those engaged in the practice of dentistry. Existing law requires an applicant for licensure to take an examination before the board and meet certain other requirements.

Existing law requires an applicant to provide proof that he or she has either been in active clinical practice or a full-time faculty member in an accredited dental education program and in active clinical practice for at least 5,000 hours in 5 of the 7 years preceding his or her application. Existing law authorizes an applicant that proves at least 2 years of clinical practice or credit to complete the remainder of the requirement by filing a copy of a contract to practice dentistry full time in a clinic meeting specified requirements or in an accredited dental education program.

This bill would provide that the entire 5-year clinical practice requirement is met if an applicant agrees to ~~teach or~~ practice dentistry full time for 2 years in a qualifying clinic or *teach or practice dentistry full time for 2 years in an* accredited dental education program. The bill would authorize the board to impose restrictions on a license issued under these provisions on or after January 1, 2006, limiting the holder's practice to designated settings until expiration of the 2-year term.

*This bill would appropriate \$53,000 from the State Dentistry Fund to the Department of Consumer Affairs for these purposes.*

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: ~~no~~<sup>yes</sup>. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 1635.5 of the Business and Professions  
2     Code is amended to read:  
3     1635.5. (a) Notwithstanding Section 1634, the board may  
4     grant a license to practice dentistry to an applicant who has not  
5     taken an examination before the board, if the applicant submits  
6     all of the following to the board:  
7     (1) A completed application form and all fees required by the  
8     board.  
9     (2) Proof of a current license issued by another state to  
10    practice dentistry that is not revoked or suspended or otherwise  
11    restricted.  
12    (3) Proof that the applicant has either been in active clinical  
13    practice or has been a full-time faculty member in an accredited  
14    dental education program and in active clinical practice for a  
15    total of at least 5,000 hours in five of the seven consecutive years  
16    immediately preceding the date of his or her application under  
17    this section. The clinical practice requirement shall be deemed  
18    met if documentation of any of the following is submitted:  
19    (A) The applicant may receive credit for two of the five years  
20    of clinical practice by demonstrating completion of a residency  
21    training program accredited by the American Dental Association  
22    Commission on Dental Accreditation, including, but not limited  
23    to, a general practice residency, an advanced education in general  
24    dentistry program, or a training program in a specialty  
25    recognized by the American Dental Association.

1 (B) The applicant agrees to practice dentistry full time for two  
2 years in at least one primary care clinic licensed under  
3 subdivision (a) of Section 1204 of the Health and Safety Code or  
4 primary care clinic exempt from licensure pursuant to  
5 subdivision (c) of Section 1206 of the Health and Safety Code, or  
6 a clinic owned or operated by a public hospital or health system,  
7 or a clinic owned and operated by a hospital that maintains the  
8 primary contract with a county government to fill the county's  
9 role under Section 17000 of the Welfare and Institutions Code.  
10 The board may periodically request verification of compliance  
11 with these requirements, and may revoke the license upon a  
12 finding that the employment requirement, or any other  
13 requirement of this subparagraph, has not been met. Full-time  
14 status shall be defined by the board for the purposes of this  
15 subparagraph, and the board may establish exemptions to this  
16 requirement on a case-by-case basis.

17 (C) The applicant agrees to teach or practice dentistry full  
18 time for two years in at least one accredited dental education  
19 program as approved by the Dental Board of California. The  
20 board may periodically request verification of compliance with  
21 these requirements, and may revoke the license upon a finding  
22 that the employment requirement, or any other requirement of  
23 this subparagraph, has not been met. Full-time status shall be  
24 defined by the board for the purposes of this subparagraph, and  
25 the board may establish exemptions to this requirement on a  
26 case-by-case basis.

27 (4) Proof that the applicant has not been subject to disciplinary  
28 action by any state in which he or she is or has been previously  
29 licensed to practice dentistry. If the applicant has been subject to  
30 disciplinary action, the board shall review that action to  
31 determine if it presents sufficient evidence of a violation of  
32 Article 4 (commencing with Section 1670) to warrant the  
33 submission of additional information from the applicant or the  
34 denial of the application for licensure.

35 (5) A signed release allowing the disclosure of information  
36 from the National Practitioner Data Bank and the verification of  
37 registration status with the federal Drug Enforcement  
38 Administration. The board shall review this information to  
39 determine if it presents sufficient evidence of a violation of  
40 Article 4 (commencing with Section 1670) to warrant the

1 submission of additional information from the applicant or the  
2 denial of the application for licensure.

3 (6) Proof that the applicant has not failed the examination for  
4 licensure to practice dentistry under this chapter within five years  
5 prior to the date of his or her application for a license under this  
6 section.

7 (7) An acknowledgment by the applicant executed under  
8 penalty of perjury and automatic forfeiture of license, of the  
9 following:

10 (A) That the information provided by the applicant to the  
11 board is true and correct, to the best of his or her knowledge and  
12 belief.

13 (B) That the applicant has not been convicted of an offense  
14 involving conduct that would violate Section 810.

15 (8) Documentation of 50 units of continuing education  
16 completed within two years of the date of his or her application  
17 under this section. The continuing education shall include the  
18 mandatory coursework prescribed by the board pursuant to  
19 subdivision (b) of Section 1645.

20 (9) Any other information as specified by the board to the  
21 extent it is required of applicants for licensure by examination  
22 under this article.

23 (b) The board shall provide in the application packet to each  
24 out-of-state dentist pursuant to this section the following  
25 information:

26 (1) The location of dental manpower shortage areas that exist  
27 in the state.

28 (2) Those not-for-profit clinics and public hospitals seeking to  
29 contract with licensees for dental services.

30 (c) (1) The board shall review the impact of this section on  
31 the availability of dentists in California and report to the  
32 appropriate policy and fiscal committees of the Legislature by  
33 January 1, 2008. The report shall include a separate section  
34 providing data specific to those dentists who intend to fulfill the  
35 alternative clinical practice requirements of subparagraph (B) of  
36 paragraph (3) of subdivision (a). The report shall include, but not  
37 be limited to, all of the following:

38 (A) The total number of applicants from other states who have  
39 sought licensure.

(B) The number of dentists from other states licensed pursuant to this section, as well as the number of licenses not granted and the reasons why each license was not granted.

(C) The location of the practice of dentists licensed pursuant to this section.

(D) The number of dentists licensed pursuant to this section who establish a practice in a rural area or in an area designated as having a shortage of practicing dentists or no dentists at all.

(E) The length of time dentists licensed pursuant to this section maintained their practice in the reported location. This information shall be reported separately for dentists described in subparagraphs (C) and (D).

(2) In identifying a dentist's location of practice, the board shall use medical service study areas or other appropriate geographic descriptions for regions of the state.

(3) If appropriate, the board may report the information required by paragraph (1) separately for primary care dentists and specialists.

(d) The board is authorized to contract with a third party or parties to review applications filed under this section and to advise the board as to whether the applications are complete. The contracting party, its agents, and its employees shall agree to be bound by all provisions of law applicable to the board, its members, and staff, governing custody and confidentiality of materials submitted by applicants for licensure.

(e) The board, in issuing a license under this section to an applicant qualified under subparagraph (B) or (C) of paragraph (3) of subdivision (a), may impose a restriction authorizing the holder to practice dentistry only in the facilities described in subparagraph (B) of paragraph (3) of subdivision (a) or only to practice or teach dentistry at the accredited dental education programs described in subparagraph (C) of paragraph (3) of subdivision (a). Upon the expiration of the two-year term, all *location* restrictions on the license shall be removed and the holder is authorized to practice dentistry in ~~any~~ *accordance with this chapter in any allowable* setting in the state.

(f) Notwithstanding any other provision of law, a holder of a license issued by the board before January 1, 2006, under this section who committed to complete the remainder of the five years of clinical practice requirement by a contract either to

1 practice dentistry full time in a facility described in subparagraph  
2 (B) of paragraph (3) of subdivision (a) or to teach or practice  
3 dentistry full time in an accredited dental education program  
4 approved by the board, shall be required to complete only two  
5 years of service under the contract in order to fulfill his or her  
6 obligation under this section. Upon the expiration of that  
7 two-year term, all *location* restrictions on the license shall be  
8 removed and the holder is authorized to practice dentistry in ~~any~~  
9 *accordance with this chapter in any allowable* setting in the state.

10 (g) A license issued pursuant to this section shall be  
11 considered a valid, unrestricted license for purposes of Section  
12 1972.

13 *SEC. 2. The sum of fifty-three thousand dollars (\$53,000) is*  
14 *hereby appropriated from the State Dentistry Fund to the*  
15 *Department of Consumer Affairs for the 2005-06 fiscal year for*  
16 *the purpose of Section 1635.5 of the Business and Professions*  
17 *Code.*